

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to the authority under Section 18(e) of Regulation 74-39, enacted December 13, 1974, as amended by D.C. Law 2-82, effective June 30, 1978, Reorganization Plan 1 of 1986, effective September 7, 1987, the Vending Regulation Temporary Act of 2008, effective June 5, 2008, D.C. Law 17-172, 55 DCR 7258, and Mayor’s Order 2008-66, effective April 23, 2008, hereby gives notice of intent to adopt the following amendments to Chapter 5 of Title 24 of the District of Columbia Municipal Regulations in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

The proposed regulations amend Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to define the vending-related responsibilities of certain District agencies and to revise the vending regulations in order to achieve the safe, efficient, and effective management of vending throughout the District of Columbia. The proposed regulations include regulations governing vending licensure, vendor operations, the designation of sidewalk and roadway vending locations, public markets, vending development zones, publishers’ boxes, and street photography. In addition, the proposed regulations include regulations governing solicitation from public space.

Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended to read as follows:

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DEFINITIONS

SUBCHAPTER A: GENERAL PROVISIONS

500 **PURPOSE**

 It is the purpose of the Mayor in the adoption of this Chapter to provide clear guidelines for the implementation and execution of the vending and soliciting laws and related health, traffic, and safety concerns of the District and its citizens. Nothing in this Chapter is intended to interfere with the exercise of rights granted by the First Amendment Assemblies Act of 2004, effective April 12, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 et seq.).

501 **AGENCY RESPONSIBILITIES**

501.1 The Director of the Department of Consumer and Regulatory Affairs (hereinafter “Director”) shall be responsible for:

 (1) Coordinating all vending activities in the District of Columbia;

 (2) Reviewing applications for, and issuing, Vending Business Licenses to vendors in the District;

 (3) Distributing Vending Site Permits for Vending Locations authorized by the DDOT Director;

 (4) Enforcing the vending regulations set forth in this chapter, including the requirement that vendors vend only from their assigned Vending Locations; except, the Director shall not be responsible for enforcing the application of the Food Code to vendors.

 (5) Appointing a Vending Coordinator who shall be responsible for:

- (A) Answering questions from citizens, vendors, and other business persons regarding the vending regulations set forth in this chapter; and
 - (B) Acting as Department of Consumer and Regulatory Affairs' (DCRA) main point of contact in carrying out DCRA's responsibilities to coordinate all vending activities in the District; and
 - (C) Coordinating enforcement of the vending regulations set forth in this chapter.
- (6) Creating and maintaining an up-to-date database of each vendor who has been issued a Vending Business License including information regarding whether the vendor has been assigned a Vending Location and, if so, the specific Vending Location assigned to the vendor;
 - (7) Designating the categories of food, merchandise, or services that may be vended under a specific class of Vending Business License and, where authorized under this chapter, designating specific categories of food, merchandise, or services that may be vended at a specific Vending Location;
 - (8) Establishing the authorized hours of operation for vendors and, where authored under this chapter, establishing specific hours of operation at a specific Vending Location;
 - (9) Establishing standards regarding the design, maintenance, and operations of vendors and vending equipment.

501.2 The DDOT Director shall be responsible for:

- (1) Designating legally permissible Vending Locations, as set forth in § 520 et seq.;
- (2) Creating and maintaining up-to-date databases and maps of all Vending Locations; and
- (3) Assisting with the enforcement of the requirement that vendors vend only from their authorized Vending Locations.

501.3 The Metropolitan Police Department (MPD) shall be responsible for:

- (1) Enforcing the laws and regulations prohibiting unlicensed vending activity;

- (2) Enforcing the criminal laws, including laws regarding assault and intimidation, in connection with vending; and
- (3) Assisting with the enforcement of the regulations set forth in this chapter.

501.4 The DOH Director shall be responsible for:

- (1) Reviewing and approving or denying applications for licenses or other certificates of authority required under the Food Code for the vending of food from public space;
- (2) Regularly inspecting food vending operations;
- (3) Enforcing the application of the Food Code to vendors.

501.5 The Fire and Emergency Medical Services Department shall be responsible for processing permits for the use of propane gas in food vending operations and making fire safety-related inspections of vending establishments.

**SUBCHAPTER B: VENDING LICENSES, PERMITS,
AND OTHER AUTHORIZATIONS**

502 **GENERAL LICENSURE REQUIREMENTS**

- 502.1 No person shall vend any service, merchandise, or food from public space in the District of Columbia without obtaining and holding a valid:
- (a) Basic Business License for vending (“Vending Business License”) issued by the Director, except as provided by § 502.3;
 - (b) Vending Site Permit assigned pursuant to § 508 et seq., unless the vendor is a Mobile Roadway Vendor;
 - (c) Health Inspection Certificate issued by the DOH Director, if the person vends food;
 - (d) Food Protection Manager Certificate and a DOH-issued Certified Food Protection Manager Identification Card, if the person vends food (or employing an employee who holds a valid Food Protection Manager Certificate and a DOH-issued Certified Food Protection Manager identification card); and
 - (e) Permit from the Fire and Emergency Medical Services Department, if the vendor uses propane gas.

502.2 The licenses and permits required under § 502.1 shall be subject to any conditions imposed by the District agency issuing or assigning the license or permit.

502.3 No Vending Business License shall be required for the following:

- (a) Employees of licensed vendors;
- (b) Persons selling agricultural goods or farm products of their own raising at a public market licensed or permitted by the Mayor;
- (c) A person under eighteen (18) years of age, if the person holds a valid permit or other form of authorization issued by the District of Columbia Public Schools and is accompanied by a licensed vendor.
- (d) Vending authorized by the First Amendment Assemblies Act of 2004, effective April 12, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 *et seq.*); and
- (e) Persons authorized to sell merchandise, food, or services at a Special Event licensed or permitted by the Mayor.

502.4 No Vending Site Permit shall be required for the following:

- (a) Persons selling agricultural goods or farm products of their own raising at a public market licensed or permitted by the Mayor;
- (b) Persons authorized to sell merchandise, food, or services at a Special Event licensed or permitted by the Mayor.

503 VENDING BUSINESS LICENSE: CLASSES OF LICENSES

503.1 The classes of Vending Business Licenses shall be as follows:

- (a) **CLASS A LICENSES** – A Class A Vending Business License shall authorize a person to vend food, other than food prohibited under § 503.3, from public space. The authorization to vend food under a Class A license shall be subject to the vendor holding valid food licenses and certificates required under title 25 of the District of Columbia Municipal Regulations.
- (b) **CLASS B LICENSES** – A Class B Vending Business License shall authorize a person to vend merchandise, other than food and other than merchandise prohibited under § 503.3, from public space. For the purposes of this provision, the term “merchandise” shall include non-hazardous and non-controlled cut flowers, dried flowers, and potted plants.

- (c) CLASS C LICENSES – A Class C Vending Business License shall authorize a person to manage farmers markets and other open markets on public or private space for the sale of agricultural goods and other farm products, food, merchandise, and/or services.
- (d) CLASS D LICENSES – A Class D Vending Business License shall authorize a person to vend services, including photography and shoe shining, from public space.

503.2 No person shall vend except in conformity with the privileges granted by the particular class of Vending Business License issued to the person.

503.3 The following categories of merchandise and food shall not be sold by vendors:

- (a) Live animals;
- (b) Power tools;
- (c) Luggage exceeding six inches by eighteen inches by twenty inches (6 in. x 18 in. x 20 in.);
- (d) Rugs and carpets exceeding the surface area of the vendor's vending cart or stand;
- (e) Household appliances, including refrigerators, microwave ovens, dishwashers, stoves, and televisions with screen sizes greater than seven inches (7 in.);
- (f) Furniture;
- (g) Alcoholic beverages or other alcoholic items for consumption;
- (h) Any drug, medicine, chemical, or compound or combination thereof restricted by the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980, effective September 16, 1980 (D.C. Law 3-98; D.C. Official Code § 47-2885.01 et seq.);
- (i) A controlled substance as defined by the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 et seq.);
- (j) Drug paraphernalia, as such term is defined in section 2(3) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-419; D.C. Official Code § 48-1101(3));
- (k) Any offensive article or merchandise, including pornographic and obscene materials;

- (l) Counterfeit merchandise or adulterated or misbranded food; and
- (m) Plants, other than non-controlled and non-hazardous cut flowers, dried flowers, and potted plants.

504 VENDING BUSINESS LICENSE: APPLICATION & FEES

504.1 A person seeking issuance of a Vending Business License shall meet all licensing criteria applicable to a Basic Business License, shall file an application with the Department of Consumer and Regulatory Affairs, and shall pay the fees prescribed.

504.2 The application for a Vending Business License shall be made on a form prescribed by DCRA and shall set forth or include the following information:

- (a) The name and address of the owner of the vending business;
- (b) The class of Vending Business License applied for;
- (c) A description of the type of merchandise, food, or service to be offered for sale;
- (d) A description of the vending vehicle, vending cart, or vending stand to be used;
- (e) An indication of the Vending Locations the applicant wishes to occupy in the order of preference;
- (f) A clean hands certification as required pursuant to D.C. Official Code § 47-2861 *et seq.*;
- (g) A copy of the applicant's certificate of registration designating the applicant's sales and use tax number;
- (h) If the applicant is not a resident of the District of Columbia, the name and address of a registered agent upon whom service of process and other legal notices may be delivered or a designation of the Mayor as the person who may accept service of process as well as other legal notices directed to the applicant;
- (i) If the applicant is applying for a Class A license, a Health Inspection Certificate issued by the DOH Director (application for which shall be made on a form prescribed by the DOH Director); and

- (j) Any additional information required by the Director or, for Class A licenses, the DOH Director.

504.3 If a person's Vending Business License has been revoked, or if a person's application for the issuance or renewal of a Vending Business License has been denied under § 507, or if a person is arrested or ticketed or receives a notice of infraction for vending without a license, the person shall not apply or reapply for a Vending Business License, and shall not be eligible to receive a Vending Business License, until one (1) year after the date of the revocation, denial, arrest, ticket, or notice of infraction, whichever is applicable.

504.4 No person shall be eligible to be issued a Vending Business License unless the person is at least eighteen (18) years of age.

504.5 The fees for Vending Business Licenses are as follows:

Vendor Class A (Food)- \$338

Vendor Class B (Non-Food)- \$276

Vendor Class C (Market Manager)- \$400

Vendor Class D (Street Photography & Boot Black)- \$212

Nationals Ballpark Vending Fee- \$123 per month

505 VENDING BUSINESS LICENSE: ISSUANCE

505.1 Not later than forty-five (45) days after filing a completed application for a Vending Business License, the applicant shall be notified by the Director of the decision on the issuance or denial of the license.

505.2 If the application is approved, the Director shall issue a Vending Business License to the applicant; provided, if the applicant has applied for a Class A Vending Business License, the Director shall not issue the Vending Business License to the applicant until the applicant has received all necessary licenses, permits, and authorizations from the Department of Health.

505.3 The Vending Business License shall include the vendor's name, the class of license, and the date of expiration.

505.4 All Vending Business Licenses shall be valid for two (2) years, unless a shorter time period is designated in writing by the Director or the license is earlier suspended, revoked, or surrendered.

505.5 If the application is denied, the Director shall follow the procedures set forth in § 507 of this chapter.

505.6 The Director may return an incomplete application to an applicant without either approving or denying the application.

505.7 A Vending Business License will not be issued until a specific vending site location has been designated for that license.

506 VENDING BUSINESS LICENSE: EXPIRATION AND RENEWAL

506.1 Each Vending Business License shall be valid for the period designated on the license, unless the license is earlier revoked, suspended, or seized.

506.2 Application for renewal of a Vending Business License shall be made to DCRA on a form prescribed by DCRA and with such information and documents that may be required by DCRA not later than forty-five (45) days before the then-current license expires.

506.3 No application to renew a Vending Business License shall be approved if the applicant does not hold valid licenses, permits, and/or registrations as required of an initial applicant for a Vending Business License under § 504.

506.4 If the license renewal application is not approved, the Director shall follow the procedures set forth in § 507.

506.5 Upon expiration of a person's Vending Business License, the Director may immediately seize the Vending Business License, the Vending Site Permit, and Health Inspection Certificate of the person.

507 VENDING BUSINESS LICENSE: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE

507.1 The Director may revoke or suspend a Vending Business License, or deny an application for the issuance or renewal of a Vending Business License, after notice, for any of the following:

- (1) Fraud, misrepresentation, or false statements contained in the application for the license;
- (2) Fraud, misrepresentation, or false statements made in connection with the selling of any service, merchandise, or food;
- (3) Violation of any law or regulation of the District of Columbia that was committed in connection with the operation of the vending business, including, but not limited to, the possession or sale of counterfeit merchandise or the offering for sale of illegal goods, substances, or services;

- (4) The vendor is vending at a location other than the vendor's assigned Vending Location;
- (5) Violations of the clean hands requirements set forth at D.C. Official Code § 47-2861 et seq.;
- (6) Fraud committed against the District of Columbia government;
- (7) The vendor is found guilty of two (2) or more violations, during any twelve (12) month period, of §§ 532 through 542, §§ 544 through 558, or § 562 of this chapter; or
- (8) The vendor is found guilty of violating § 543 of this chapter, or the parking restrictions established by the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 et seq.) ("Traffic Act") or the regulations promulgated under the Traffic Act.

507.2 The Director may summarily suspend a Vending Business License, without the need for prior notice or opportunity to be heard, for:

- (1) The possession, sale, or offering for sale of counterfeit merchandise; or
- (2) The sale of adulterated or misbranded food, as such term is defined in 25 DCMR § 9901, when a determination is made by the DOH Director that the food is adulterated or misbranded;
- (3) Failure to provide all required certificates of authority upon demand by an authorized D.C. Government Official;
- (3) An activity or condition that constitutes a threat to the public health or safety, including the health or safety of the vendor.

507.3 Before a person's Vending Business License is revoked or suspended under this section (except through summary suspension), the person shall be provided notice of the Director's intent to revoke or suspend the license and the person shall be entitled to the opportunity for a hearing before the Office of Administrative Hearings.

507.4 If a person's Vending Business License is summarily suspended under this section, or if a person's application for initial issuance or renewal of a license is denied, the person may appeal the summary suspension or denial to the Office of Administrative Hearings and the Director shall provide the person notice in writing of the person's right to appeal.

- 507.5 A notice issued by the Director under this section shall be mailed by certified mail. If the notice establishes a specific date for a hearing, the notice shall be mailed by certified mail at least ten (10) days prior to the date of the hearing.
- 507.6 Upon revocation or suspension, including summary suspension, of a person's Vending Business License, the Director may immediately seize the person's Vending Business License and Vending Site Permit.
- 507.7 A vendor shall surrender his or her Vending Business License and Vending Site Permit promptly to the Mayor upon revocation or suspension, including summary suspension, of the person's Vending Business License.
- 507.8 If a person's Vending Business License is revoked or suspended (including summarily suspended) under this section, the Director shall provide notice of the revocation or suspension to DDOT, MPD, DOH, and the Office of Tax and Revenue.
- 508 **VENDING SITE PERMIT: GENERAL REQUIREMENTS & FEE**
- 508.1 No person may vend from public space in the District of Columbia without a Vending Site Permit issued by the Director pursuant to this chapter, except Class C Public Markets may vend from public space only upon the issuance of a Public Space Permit issued by the Department of Transportation.
- 508.2 The Vending Site Permit shall authorize the permittee to occupy a specific Vending Location for the purpose of vending.
- 508.3 The fee for a Vending Site Permit shall be (\$587) per annum.
- 508.4 Vendors may vend only at their assigned Vending Location as reflected on the vendor's specific Vending Site Permit.
- 508.5 The Director and MPD reserve the right to relocate vendors subject to public safety requirements, construction requirements or special event operations.
- 508.5 The Director may revoke a Vending Site Permit issued pursuant to this chapter at any time and require the previously permitted vendor to vacate his or her Vending Location.
- 509 **VENDING SITE PERMIT: APPLICATION**
- 509.1 A person shall submit an application for the issuance of a Vending Site Permit to the Director with the person's application for an initial Vending Business License. A licensed vendor may submit an application for the issuance of a Vending Site Permit to the Director separately from an application for a Vending Business License if the vendor is seeking to change his or her Vending Location.

509.2 The application for the issuance of a Vending Site Permit shall be made on a form prescribed by the Director and shall include such information and documents as may be required by the Director.

510 VENDING SITE PERMIT: ISSUANCE

510.1 A Vending Site Permit shall be issued by the Director after the submission of a completed application for a Vending Site Permit if:

- (a) The applicant holds a valid Vending Business License or will be issued a Vending Business License by the Director at the same time as the Vending Site Permit is issued;
- (b) The applicant has applied for a Vending Site Permit for an available Vending Location;
- (c) The applicant has been selected for the available Vending Location pursuant to a lottery or such other method of such selection authorized under this chapter; provided that vendors who received vending site permits for a vending location pursuant to the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective march 8, 2007 (D.C. Law 1616-252; 54 DCR 631), who are vending in a location that is in compliance with this chapter, shall have right of preference for the issuance of a vending site permit for the same vending location;
- (d) The merchandise, food, or services are authorized to be vended at the available Vending Location;
- (e) The applicant provides a clean hands certification as required pursuant to D.C. Official Code § 47-2861 *et seq.*; and
- (f) The applicant has paid the appropriate fees.

511 VENDING SITE PERMIT: EXPIRATION AND RENEWAL

511.1 A Vending Site Permit shall be issued for a term of two (2) years unless a shorter time period is designated in writing the Director or the Vending Site Permit is earlier suspended, revoked, or surrendered.

511.2 A vendor shall apply for renewal of the vendor's Vending Site Permit at least forty-five (45) days prior to the expiration date on the permit.

511.3 Upon expiration of a person's Vending Site Permit, the Director may immediately seize the person's Vending Site Permit and Vending Business License.

512 VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE

512.1 A Vending Site Permit may be summarily revoked or suspended at any time, without prior notice or an opportunity to be heard, at the discretion of the Director if:

- (a) The Vending Location associated with the Vending Site Permit is not a location that is eligible for authorization as a Vending Location under this chapter or any other applicable law or regulation, as this chapter and such laws and regulations may be amended from time to time;
- (b) The Vending Location associated with the Vending Site Permit has been eliminated by the DDOT Director;
- (c) The Vending Location, or the vending-related activities at the Vending Location, constitute a threat to public safety; or
- (d) The vendor is conducting business in a manner that is in violation of the terms or conditions of the Vending Site Permit.

512.2 Upon suspension or revocation of a person's Vending Site Permit under this section, the Director may immediately seize the Vending Site Permit and Vending Business License of the person.

512.3 If a person's Vending Site Permit is summarily suspended or revoked under this section, the person may appeal the summary suspension or revocation to the Office of Administrative Hearings and the Director shall provide the person notice in writing of the person's right to appeal.

512.4 A notice issued by the Director under this section shall be mailed by certified mail. If the notice establishes a specific date for a hearing, the notice shall be mailed by certified mail at least ten (10) days prior to the date of the hearing.

512.5 If a person's Vending Business License is suspended or revoked, the person's Vending Site Permit shall also be suspended or revoked.

512.6 A vendor shall surrender his or her Vending Business License and Vending Site Permit promptly to the Mayor upon revocation or suspension of the person's Vending Site Permit.

513 HEALTH INSPECTION CERTIFICATE: GENERAL

- 513.1 No person shall vend food in the District unless a valid Health Inspection Certificate has been issued by the Department of Health for the vending vehicle, cart, or stand from which the food is vended .
- 513.2 A Health Inspection Certificate shall be valid for six (6) months or until the time of the next inspection, whichever is earlier.
- 513.3 A person shall not be issued a Class A Vending Business License or a Vending Site Permit for a Class A Vending Business License before the person receives a Health Inspection Certificate from the DOH Director.

514 HEALTH INSPECTION CERTIFICATE: APPLICATION

- 514.1 A person shall apply for a Health Inspection Certificate with such information and documents required, and pursuant to such procedures established, by the DOH Director pursuant to applicable law and regulations. The DOH Director may require that a vendor submit to the Mayor the address of the supplier of all prepared foods that the person intends to vend.

515 HEALTH INSPECTION CERTIFICATE: ISSUANCE

- 515.1 The DOH Director shall review and approve or disapprove an application for the issuance of a Health Inspection Certificate pursuant to procedures and standards established by the DOH Director.
- 515.2 A Health Inspection Certificate shall not be granted until after a thorough inspection of the vending vehicle, cart, or stand; all equipment and utensils used in the food vending operation; an inspection of the storage facilities for the vehicle, cart, or stand, the equipment and utensils, and the food supplies; a review of the preparation and holding procedures for the food; and approval of any plans for health-related compliance.
- 515.3 The DOH Director shall include on the Health Inspection Certificate the vehicle tag number of the vending vehicle or cart.

516 HEALTH INSPECTION CERTIFICATE: SUSPENSION

A Health Inspection Certificate, and the associated Class A Vending Business License, may be summarily suspended by the DOH Director for Food Code violations pursuant to 25 DCMR § 4409.

517 FOOD PROTECTION MANAGER CERTIFICATE

No person shall operate a vending business unless the person, or an individual employed by the person, holds a valid Food Protection Manager Certificate and a DOH-issued Certified Food Protection Manager Identification Card.

518 PROPANE PERMIT

No person shall operate a vending vehicle, cart, or stand that uses propane without meeting the following standards:

- (a) The vendor shall hold a valid propane permit from the District of Columbia Fire and Emergency Medical Services Department; and
- (b) A vending vehicle, cart, or stand that uses propane cylinders in excess of sixty (60) pounds shall have direct approval from the Fire Marshall.

519 HOOD SUPPRESSION SYSTEM APPROVAL

No person shall operate a vending vehicle, cart, or stand that includes a deep fryer (or other cooking equipment that would require a hood suppression system) unless the vehicle, cart, or stand is protected with a hood suppression system, in a manner inspected and approved by the District of Columbia Fire and Emergency Medical Services Department.

SUBCHAPTER C: VENDING LOCATIONS

PART 1: GENERAL

520 VENDING LOCATIONS: GENERAL

520.1 The DDOT Director shall designate locations on streets, sidewalks, and other public spaces where vending shall be permitted (“Vending Locations”). The Director may issue a Vending Site Permit to a vendor to occupy a Vending Location.

520.2 The DDOT Director may eliminate a previously designated Vending Location if:

- (a) The DDOT Director determines that the designated Vending Location is not in compliance with law or regulations, as such laws and regulations may be amended from time to time;
- (b) The DDOT Director determines that the operation of a vending business at the location constitutes a threat to the public safety; or

- (c) The DDOT Director determines that the interests of the District or the public would be better served if the public space occupied by the Vending Location is designated for another use or for open space.

520.3 A complete, up-to-date map and database of designated Vending Locations shall be created and maintained by the DDOT Director and shall be published on the public website of DCRA.

PART 2: SIDEWALK VENDING LOCATIONS

521 VENDING LOCATIONS: SIDEWALK VENDING

521.1 The DDOT Director shall designate sidewalk Vending Locations in accordance with the following standards:

- (a) Sidewalk Locations shall only be located along streets within the Central Vending District, Neighborhood Vending Districts, or Old Georgetown Vending District.
- (b) No sidewalk Vending Location shall be designated on a restricted street designated in § 522.3.
- (c) No more than three (3) sidewalk Vending Locations shall be designated on any side of any block.
- (d) No sidewalk Vending Location shall be designated in front of a predominately residential building outside the Central Vending District.
- (e) No sidewalk Vending Location shall be designated on the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza.
- (f) Within the Central Vending District, sidewalk vending shall be prohibited on sidewalks unless a ten foot (10 ft.) clear passageway is maintained, unless the street is specifically exempted in this chapter or the DDOT Director waives this restriction under § 521.3.
- (g) Outside the Central Business District, sidewalk vending shall be prohibited on sidewalks unless a seven foot (7 ft.) clear passageway is maintained, unless the sidewalk is specifically exempted in this chapter or the DDOT Director waives this restriction under § 521.3.
- (h) No sidewalk Vending Location shall be designated along the length of a Metrobus Stop Zone.

- (i) No sidewalk Vending Location shall be designated within twenty feet (20 ft.) of the driveway entrance to a police or fire station or within ten feet (10 ft.) of any other driveway
- (j) No sidewalk Vending Location shall be designated within ten feet (10 ft.) of an alley.
- (k) No sidewalk Vending Location shall be designated within ten feet (10 ft.) of another sidewalk Vending Location.
- (l) No sidewalk Vending Location shall be designated within twenty feet (20 ft.) of the street-level entry to a Metrorail escalator or within ten feet (10 ft.) of the street-level door to a Metrorail elevator.
- (m) No sidewalk Vending Location shall be designated within a marked loading zone, entrance zone, or parking space designated for diplomatic parking.
- (n) No sidewalk Vending Location shall be designated in a location that is on or that impedes free access to service or ventilation grates or covers.
- (o) No sidewalk Vending Location shall be designated within one hundred feet (100 ft.) of the entrance to a courthouse, or within such greater distance as may be designated by the DDOT Director upon the written request of the courthouse administrator.
- (p) No sidewalk Vending Location shall be designated within five feet (5 ft.) of a fire hydrant.
- (q) No sidewalk Vending Location shall be located within one hundred feet (100 ft.) of the main entrance to a building the predominate use of which is for a public or private primary or secondary school unless operations at the vending location are restricted to non-school days and time periods on school days that begin thirty (30) minutes after school has been dismissed at the end of the school day. The DDOT Director may increase the minimum distance that a sidewalk Vending Location may be located from a specific school upon the written request of the Chancellor of the District of Columbia Public Schools or the principal of the school.
- (r) No sidewalk Vending Location shall be designated within twelve feet (12 ft.) from any crosswalk.
- (s) No sidewalk Vending Location shall be designated within geographical areas under the jurisdiction of the United States Park Police, the Capitol Police, or any other agency of the United States government.

521.2 The DDOT Director may waive the minimum passageway requirement of § 521.1(f) or § 521.1(g) on a street where it is determined that a reduction in the minimum passageway will not have an adverse impact on, among other things, pedestrian circulation and public safety.

521.3 The passageway required by §§ 521.1(f) and 521.1(g) shall be measured from the closest allowable projection of the vending cart or stand to the nearest building, private property line, or interruption of the public space by a public amenity or fixture, whichever is nearest.

522 **VENDING LOCATIONS: CENTRAL VENDING ZONE**

522.1 The following boundaries shall constitute the Central Vending Zone:

- (a) Beginning at the northeast corner of Massachusetts Avenue, NW at 11th Street, NW;
- (b) East along the north curb of L Street, NW to the west curb of mid-block alley between 9th and 10th Streets, NW;
- (c) North along the center of the alley to the south curb of M Street, NW;
- (d) East along the south curb of M Street, NW to the west curb of 9th Street, NW;
- (e) North along the west curb of 9th Street, NW. to the north curb of N Street, NW;
- (f) East along the north curb of N Street, NW, to the east curb of 7th Street, NW;
- (g) South along the east curb of 7th Street, NW, to the north curb of L Street, NW;
- (h) East along the north curb of L Street, NW, to the east curb of 6th Street, NW;
- (i) South along the east curb of 6th Street, NW, to the north curb of Massachusetts Avenue, NW;
- (j) East along the north curb of Massachusetts Avenue, NW, to the west curb of North Capitol Street, NW;
- (k) North along the west curb of North Capitol Street, NW, to the north curb of Q Street, NW;
- (l) East along the north curb of Q Street, NE, to the west curb of Eckington Place, NE;

- (m) North along the west curb of Eckington Place, NE, to the north curb of R Street, NE;
- (n) East along the north curb of R Street, NE in a straight to the north curb of New York Avenue, NE;
- (o) East along the north curb of New York Avenue, NE, to the east curb of 9th Street, NE;
- (p) South along the east curb of 9th Street to the east curb of Brentwood Parkway, NE;
- (q) South along the east curb of Brentwood Parkway, NE to the east curb of 6th Street, NE;
- (r) South along the east curb of 6th Street, NE to the south curb of M Street, NE;
- (s) West along the south curb of M Street, NE to the east curb of 5th Street, NE;
- (t) South along the east curb of 5th Street, NE, to the south curb of H Street, NE;
- (u) West along the south curb of H Street, NE to the east curb of 3rd Street, NE;
- (v) South along the east curb of 3rd Street, NE, to the north curb of Independence Avenue, SE;
- (w) West along the north curb of Independence Avenue, SE, to the east curb of 2nd Street, SE;
- (x) South along the east curb of 2nd Street, SE, to the south curb of C Street, SE;
- (y) West along the south curb of C Street, SE, to the east curb of 1st Street, SE;
- (z) South along the east curb of 1st Street, SE to the south curb of D Street, SE;
- (aa) East along the south curb of D Street, SE, to the east curb of New Jersey Avenue, SE;
- (bb) South along the east curb of New Jersey Avenue, SE, to the south curb of Interstate 695;

- (cc) East along the south curb of Interstate 695 to east curb of Water Street, SE;
- (dd) South from the east curb of Water Street, SE, in a straight line to the west bank of the Anacostia River, SE;
- (ee) West along the north bank of the Anacostia River, SE, to the east curb of 11th Street, SE;
- (ff) South along the east curb of 11th Street, SE, to the east curb of Martin Luther King, Avenue, SE;
- (gg) South along the east curb of Martin Luther King Avenue, SE; to the north curb of Suitland Parkway, SE;
- (hh) North along Suitland Parkway, SE, to the South Capitol Street, Bridge;
- (ii) West along the South Capitol Street Bridge to the east bank of the Anacostia River, SE;
- (jj) South along the west bank of the Anacostia River, SE, to the east bank of the Potomac River, SW;
- (kk) North along the east bank of the Potomac River, SW to the west curb of the Potomac Parkway to Rock Creek Parkway;
- (ll) North along Rock Creek Parkway to the north curb of N Street, NW;
- (mm) East along the north curb of N Street, N.W. to the west curb of New Hampshire Avenue, NW;
- (nn) Northeast along the west curb of New Hampshire Avenue, NW, to the west curb of 20th Street, NW;
- (oo) North along the west curb of 20th Street, NW, to the north curb of P Street, NW;
- (pp) East along the north curb of P Street, NW, to west curb of Dupont Circle, NW;
- (qq) North along the west curb of Dupont Circle, NW, to the north curb of Massachusetts Avenue, NW;
- (rr) East along the north curb of Massachusetts Avenue, NW, to the northeast corner of Massachusetts Avenue and 11th Street, NW.

522.2

The following streets in the Central Vending Zone shall be exempt from the requirement that a minimum ten foot (10 ft.) clear passageway be maintained.

However, each vending site listed below shall maintain a seven foot (7 ft.) clear passageway:

East/West Sides of 19th Street, N.W. between Constitution Avenue and C Street, N.W.
 East/West Sides of 20th Street, N.W. between Constitution Avenue and C Street, N. W.
 East/West Sides of 21st Street, N.W. between Constitution Avenue and C Street, N. W.

522.3

Except for Vending Locations approved as part of a vending development zone under § 559, no sidewalk Vending Locations shall be designated on the following streets in the Central Vending Zone:

NON-VENDING STREETS

Side	Street	Location
East	Side of 2nd St. between E. Capitol St. and M St., SW	
East	Side of 2nd St. between K St., NE and E. Capitol St.	
East	Side of 10th St. between E St. and Pennsylvania Ave., NW	FBI Building
East	Side of 12th St. between Constitution Ave. and Pennsylvania Ave., NW	IRS (southern half of block) and Old Post Office (northern half of block)
East	Side of 12th St. between I and K Sts., NW	
East	Side of 12th St. between New York Ave. and G St., NW	
East	Side of 13th St. between L St. and Massachusetts Ave., NW	
East	Side of 14th St. between Constitution Ave. and D St., NW	John A. Wilson Building, Reagan Building, and Commerce Building
East	Side of 22nd St. between F and G Sts., NW	
East	Side of 24th St. between Pennsylvania Ave. and L St., NW	
East	Side of 24th St. between Virginia Ave. and G St., NW	
East	Side of 25th St. between H and I Sts., NW	
East	Side of 26th St. between I and K Sts., NW	
East/West	Sides of Delaware Ave. between M and H Sts., SW	
East/West	Sides of Half St. between M and I Sts., SE	
East/West	Sides of Half St. between M and I Sts., SW	
East/West	Sides of New Hampshire Ave. NW, between Virginia Ave., NW, and I Street, NW	
East/West	Sides of 1st St. between Independence Ave. and Canal St., SW	
East/West	Sides of 1st St. between M and H Sts., SW	

East/West	Sides of 2nd between M and D Sts., SE	
East/West	Sides of 3rd St. between M and I Sts., SW	
East/West	Sides of 5th St. between H and K Sts., NW	
East/West	Sides of 6th St. between M and G Sts., SW	
East/West	Sides of 8th St. between E St. and Pennsylvania Ave., NW	
East/West	Sides of 9th St. between G St., NW, and H St., NW	
East/West	Sides of 21st St. between C and E Sts., NW	State Department
East/West	Sides of 23rd St. between C and E Sts., NW	State Department
East/West	Sides of 23rd St. between L St. and Washington Circle, NW	
East/West	Sides of 25th St. between I and K Sts., NW	
East/West	Sides of 25th St. between L and M Sts., NW	
East/West	Sides of 6th St. between F and H Sts., NW	Arena
East/West	Sides of 7th St. between F and H Sts., NW	Arena
East/West	Sides of 3rd St. between F and G Sts., NW	
East/West	Sides of 4th St. between 3rd and 4th Sts., NW	
North	Side of D St. between 3rd and 4th Sts., NW	
North	Side of D St. between 5th and 9th Sts., NW	
North	Side of E St. between 1st and 2nd Sts., NW	
North	Side of E St. between 3rd and 4th Sts., NW	
North	Side of F St. between 21st and 22nd Sts., NW	
North	Side of N St. 21st St. and New Hampshire Ave., NW	
North	Side of Pennsylvania Ave. between 9th and 10th Sts., NW	
North	Side of Virginia Ave. between 23rd and 24th St., NW	
North/South	Sides of C St. between South Capitol and 3rd Sts., SE	
North/South	Sides of C St., SW between 6th and South Capitol St.	
North/South	Sides of C St. between 21st and 23rd Sts., NW	
North/South	Sides of Connecticut Ave. between N St. and Dupont Circle, NW	
North/South	Sides of D St. between 4th St., SW and 3rd St., SE	
North/South	Sides of E St. between S. Capitol St. and L'Enfant Plaza Circle, SE	
North/South	Sides of E St. between 2nd and 7th Sts., SW	
North/South	Sides of E St. between 5th and 14th Sts., NW	
North/South	Sides of E St. between 21st and 23rd Sts., NW	

North/South	Sides of F St. between New Jersey Ave., NW and N. Capitol St.	
North/South	Sides of G St. between 9th St. and the cul de sac	
North/South	Sides of H St. between 6th St. and Massachusetts Ave., NW	
North/South	Sides of H St. between New Hampshire Ave. and 24th St., NW	
North/South	Sides of I St. between S. Capitol St. and 3rd St., SE	
North/South	Sides of I St. between 7th St., SW and S. Capitol St.	
North/South	Sides of I St. between 13th and 16th Sts., NW	
North/South	Sides of I St. between 26th St. and New Hampshire Ave., NW	
North/South	Sides of Jefferson Pl. between 18th and 19th Sts., NW	
North/South	Sides of K St. between Half St., SW and 3rd St., SE	
North/South	Sides of K St. between Wesley Pl. and Delaware Ave., SW	
North/South	Sides of K St. between 25th and 26th Sts., NW	
North/South	Sides of L St. between 3rd St., SW and 3rd St., SE	
North/South	Sides of L St. between 24th and 25th Sts., NW	
North/South	Sides of M St. between 21st St. and Connecticut Ave., NW	
North/South	Sides of M St. between 23rd and 28th St., N. W.	
North/South	Sides of Massachusetts Ave. between Thomas Circle and 11th St., NW	
North/South	Sides of N St. between 18th and Bataan Sts., NW	
North/South	Sides of N St. between 21st and 25th Sts., NW	
		[Old convention center]
North/South	Sides of Sunderland Pl. between 19th and 20th Sts., NW	
North/South	Sides of F St between 6th and 7th Sts., N. W.	Verizon Center
North/South	Sides of H St. between 6th and 7th Sts., NW	Verizon Center
North/South	Sides of 6th St. between 3rd and 4th Sts., NW	
North/South	Sides of F St. between 3rd and 4th Sts., NW	
South	Side of C St. between 12th and 14th Sts., SW	
South	Side of E St. between 9th and 10th Sts., NW	
South	Side of G St. between 7th and 9th Sts., NW	

South	Side of G St. between 23rd and 24th Sts., NW
South	Side of H St. between 23rd and 24th Sts., NW
South	Side of K St. between 24th and 25th Sts., NW
West	Sides of 5th St. between D and E Sts., NW
West	Side of 9th St. between E St. and Pennsylvania Ave., NW
West	Side of 17th St. between Constitution Ave. and C St., NW
West	Side of 17th St. between D and E Sts., NW
West	Side of 21st St. between New Hampshire Ave. and N St., NW
West	Side of 23rd St. between Virginia Ave. and G St., NW

523 **VENDING LOCATIONS: OLD GEORGETOWN VENDING ZONE**

523.1 The following streets within “Old Georgetown”, as defined in § 530.2, shall constitute the Old Georgetown Vending Zone within which the DDOT Director may designate sidewalk Vending Locations; provided, sidewalk Vending locations on these streets shall be allowed only with fifty feet (50 ft.) of the intersections of those streets with Wisconsin Avenue, NW, only on the sidewalks designated below, and only in the direction from Wisconsin Avenue, NW, designated below:

Street	Side	Direction from Wisconsin Ave., NW
P St., NW	Northern sidewalk	East of Wisconsin Ave., NW
P St., NW	Northern sidewalk	West of Wisconsin Ave., NW
O St., NW	Northern sidewalk	West of Wisconsin Ave., NW
O St., NW	Northern sidewalk	East of Wisconsin Ave., NW
Dumbarton St., NW	Northern sidewalk	East of Wisconsin Ave., NW
Dumbarton St., NW	Southern sidewalk	East of Wisconsin Ave., NW
N St., NW	Northern sidewalk	West of Wisconsin Ave., NW
N St., NW	Southern sidewalk	East of Wisconsin Ave., NW
N St., NW	Southern sidewalk	West of Wisconsin Ave., NW
Prospect St., NW	Northern sidewalk	West of Wisconsin Ave., NW
Prospect St., NW	Southern sidewalk	West of Wisconsin Ave., NW

523.2 No vendor shall vend in or upon any highway or public space within the area known as “Old Georgetown” enclosed by the following continuous boundary, except as specifically provided in § 523.1:

- (a) Bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park;
- (b) Bounded on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street, and Whitehaven Parkway to 35th Street, south along

the middle of 35th Street to Reservoir Road, west along the middle of Reservoir Road to Glover Archibold Park;

(c) Bounded on the west by Glover Archibold Park from Reservoir Road to the Potomac River; and

(c) Bounded on the south by the Potomac River and the Rock Creek and Potomac Parkway.

524

VENDING LOCATIONS: NEIGHBORHOOD VENDING ZONES

524.1

The Neighborhood Vending Zone shall consist of the following streets:

Capitol Hill Area

Street	From	To	Zone
H Street, NE	3rd Street, NE	15th Street, NE	C-2-A, C-2-B, and C-3-A
Pennsylvania Avenue, SE	2nd Street, SE	Potomac Avenue, SE	C-2-A and C-2-B
8th Street, SE	D Street, SE	I Street, SE	C-2-A
15th Street, NE	A Street, NE	East Capitol Street	C-2-A
East Capitol Street	19th Street, SE	22nd Street, SE	GOV
Restriction:	South side of East Capitol Street only		
Benning Road, NE	Bladensburg Road, NE	Oklahoma Avenue, NE	C-2-A and C-2-B

Far Northeast and Southeast Area

Street	From	To	Zone
Benning Road, NE/SE	44th Street, SE	A Street, SE	C-3-A
Branch Avenue, SE	Q Street, NE	S Street, SE	C-1
Central Avenue	56th Street, SE	Southern Avenue, SE	C-1
Dix Street, NE	60th Street, NE	Eastern Avenue, NE	C-2-A
Minnesota Avenue, NE	Blaine Street, NE	Grant Street, NE	C-3-A
Nannie Helen Burroughs Street, NE	51st Street, NE	Division Avenue, NE	C-1
Nannie Helen Burroughs Avenue	Minnesota Avenue, NE	47th Street, NE	C-1 and C-M-1
Pennsylvania Avenue, SE	Alabama Avenue, SE	Fort Davis Street, SE	C-2-A
Pennsylvania Avenue, SE	Fairlawn Avenue, SE	27th Street, SE	C-2-A

Far Southeast and Southwest Area

Street	From	To	Zone
Martin Luther King Avenue, NE	Good Hope Road, SE	Morris Road, SE	C-3-A
Good Hope Road, SE	Martin Luther King Avenue, SE	13th Street, SE	C-3-A
Naylor Road, SE	Alabama Avenue, SE	Denver Street, SE	C-3-A
Naylor Road, SE	30th Street, SE	Southern Avenue, SE	C-1

Alabama Avenue, SE	15th Street, SE	Stanton Road, SE	C-1 and C-2-B
Livingston Road, SE	3rd Street, SE	South Capitol Street	C-3-A
Martin Luther King Avenue, SE	4th Street, SE	Milwaukee Place, SE	C-2-A
Martin Luther King Avenue, SE	Upsal Street, SE	Halley Place, SE	C-1
South Capitol Street	Martin Luther King Avenue, SE	Chesapeake Street, SE	C-2-A
Savannah Street, SE	22nd Street, SE	23rd Street, SE	C-1
Wheeler Road, SE	Wahler Place, SE	Barnaby Terrace, SE	C-1

Mid-City Area

Street	From	To	Zone
Mount Pleasant Street, NW	Irving Street, NW	Park Road, NW	C-2-A
7th Street, NW	Florida Avenue, NW	T Street, NW	C-2-B
14th Street, NW	Columbia Road, NW	Meridian Plan, NW	C-2-A and C-3-A
6th Street, NW	Fairmont Street, NW	College Street, NW	R-5-B
Restriction:	100 feet south of the Fairmont St. curb - one (1) vendor 150 feet south of the Fairmont St. curb - two (2) vendors 175 feet south of the Fairmont St. curb - one (1) vendor		
14th Street, NW	S Street, NW	Florida Avenue, NW	CR and C-3-A
Columbia Road, NW	Belmont Road, NW	Mozart Place, NW	C-2-B
Georgia Avenue	Euclid Street, NW	Rock Creek Church Road, NW	C-2-A
Rhode Island Avenue, NW	T Street, NW	1st Street, NW	C-2-A
Florida Avenue, NW	Rhode Island Avenue, NW	North Capitol Street, NW	C-2-A
Rhode Island Avenue, NE	4th Street, NE	6th Street, NE	C-2-A

Near Northwest Area

Street	From	To	Zone
Florida Avenue, NW	Rhode Island Avenue, NW	North Capitol Street, NW	C-2-A
P Street, NW	23rd Street, NW	Dupont Circle, NW	C-2-A, C-2-C, C-2-B
20th Street, NW	R Street, NW	S Street, NW	C-3-B
Restriction:	West side of 20th Street, NW, only		
17th Street, NW	Q Street, NW	Riggs Place, NW	C-2-A
14th Street, NW	N Street, NW	U Street, NW	C-3-A
9th Street, NW	M Street, NW	P Street, NW	C-2-A
7th Street, NW	M Street, NW	N Street, NW	C-2-B
7th Street, NW	O Street, NW	Q Street, NW	C-2-A

Rock Creek East Area

Street	From	To	Zone
Georgia Avenue	Rock Creek Church Road, NW	Varnum Street, NW	C-2-A and C-3-A
Blair Road	Whittier Street, NW	5th Street, NW	C-M-1 and C-2-A
Georgia Avenue	Fern Place, NW	Eastern Avenue, NW	C-2-A

Georgia Avenue, NW	Gallatin Street, NW	Van Buren Street, NW	C-2-A and C-3-A
Riggs Road, NE	South Dakota Avenue, NE	Chillum Place, NE	C-2-A
Upshur Street, NW	3rd Street, NW	Rock Creek Church Road, NW	C-1
14th Street, NW	Buchanan Street, NW	Decatur Street, NW	C-1 and C-M-1

Rock Creek West Area

Street	From	To	Zone
Connecticut Avenue, NW	Fessenden Street, NW	Nebraska Avenue, NW	C-1
Connecticut Avenue, NW	Livingston Street, NW	Oliver Street, NW	C-1
Connecticut Avenue, NW	Macomb Street, NW	Porter Street, NW	C-2-A
Connecticut Avenue, NW	Van Ness Street, NW	Albemarle Street, NW	C-3-A
Connecticut Avenue, NW	Calvert Street, NW	26th Street, NW	C-2-A and C-2-B
Connecticut Avenue, NW	Hawthorne Street, NW	Jewett Street, NW	C-2-A
MacArthur Boulevard, NW	Cathedral Avenue, NW	Cathedral Avenue, NW	C-1
MacArthur Boulevard, NW	Arizona Avenue, NW	Dana Place, NW	C-2-A
MacArthur Boulevard, NW	V Street, NW	U Street, NW	C-2-A
Massachusetts Avenue, NW	48th Street, NW	49th Street, NW	C-2-A
New Mexico Avenue, NW	Embassy Park Drive, NW	Lowell Street, NW	C-1
Ordway Street, NW	Alley east of Connecticut Avenue, NW	Alley west of Connecticut Avenue, NW	C-2-A
Restriction:	South side of Ordway Street, NW, only)		
Wisconsin Avenue, NW	Albemarle Street, NW	Brandywine Street, NW	
Wisconsin Avenue, NW	Harrison Street, NW	Western Avenue, NW	C-2-A, C-2-B, and C-3-A
Wisconsin Avenue, NW	Macomb Street, NW	Idaho Avenue, NW	
Restriction:	West side of Wisconsin Avenue, NW, only		
Wisconsin Avenue, NW	Rodman Street, NW	40th Street, NW	C-1, C-2-A, and C-2-B
24th Street, NW	Calvert Street, NW	Connecticut Avenue, NW	C-2-A

Upper Northeast Area

Street	From	To	Zone
Allison Street, NE	Michigan Avenue, NE	Eastern Avenue, NE	C-1
Bladensburg Road, NE	L Street, NE	Mount Olivet Road, NE	C-2-A
Florida Avenue, NE	West Virginia Avenue, NE	Montello Avenue, NE	C-2-A
Mount Olivet Road, NE	West Virginia Avenue, NE	Trinidad Avenue, NE	C-2-A
Rhode Island Avenue, NE	Monroe Street, NE	Eastern Avenue, NE	C-2-A
Rhode Island Avenue, NE	6th Street, NE	10th Street, NE	C-2-C, C-3-A, C-M-2, and M
Rhode Island Avenue, NE	13th Street, NE	18th Street, NE	C-2-A
12th Street, NE	Irving Street, NE	Randolph Street, NE	C-1 and C-2-A
Benning Road, NE	Bladensburg Road, NE	Oklahoma Avenue, NE	C-2-A and C-2-B
Rhode Island Avenue, NE	4th Street, NE	6th Street, NE	C-2-A

PART 3: ROADWAY VENDING LOCATIONS**525 VENDING LOCATIONS: ROADWAY VENDING LOCATIONS:
GENERAL**

No vendor may vend in any roadway location other than an authorized Roadway Vending Location for which the Roadway Vendor holds a valid Vending Site Permit, except for a Mobile Roadway Vendor vending pursuant to § 555.

**526 VENDING LOCATIONS: ROADWAY VENDING LOCATIONS:
AUTHORIZED LOCATIONS**

526.1 The authorized Roadway Vending Locations shall be located on the streets set forth below, in the numbers set forth below:

NUMBER	STREET	AREA
1-6	400 Independence Ave., SW.	Air & Space Museum
7-12	600 Independence Ave., SW	Air & Space Museum
13-18	700 Independence Ave., SW	Hirshhorn Museum
19-20	1000 Independence Ave., SW	Smithsonian Museum
21-22	1200 Independence Ave., SW	Smithsonian Museum
23-26	600 Constitution Ave., NW	National Gallery of Art
27-30	700 Constitution Ave., NW	National Gallery of Art
31-35	900 Constitution Ave., NW	Natural History Museum
36-41	1200 Constitution Ave., NW	American History Museum
42-50	200 15th St., NW	Ellipse East
51-59	400 15th St., NW	Ellipse East
60-67	200 17th St., NW	Ellipse West
68-69	400 17th St., NW	State Place
70-72	500 17th St., NW	State Place
73-74	1300 C St., SW	Department of Agriculture
75-76	2100 H St., NW	George Washington University

526.2 The DDOT Director shall designate specific portions of the streets listed in § 526.1, in the number set forth in § 526.1, as authorized Roadway Vending Locations.

**527 VENDING LOCATIONS: ROADWAY VENDING LOCATIONS:
ADDITIONAL LOCATIONS**

The DDOT Director may designate Roadway Vending Locations in addition to the Roadway Vending Locations authorized in § 526; provided, an additional Roadway Vending Location shall be designated through a rulemaking proceeding and shall be designated in compliance with the following standards:

- (a) No additional roadway Vending Location shall be designated within geographical areas under the jurisdiction of the United States Park Police, the Capitol Police, or any other agency of the United States government.
- (b) No additional roadway Vending Location shall be designated within a loading zone, entrance zone, rush-hour zone, or diplomatic parking zone.
- (c) No additional roadway Vending Location shall be designated on a Snow Emergency Route designated under 18 DCMR § 4024 or any other appropriate regulation.
- (d) No additional roadway Vending Location shall be designated within forty (40) feet of an intersection.
- (e) No additional roadway Vending Location shall be designated in a parking space or spaces where payment for parking is required, unless the vendor located at the additional roadway Vending Location pays, in addition to any other fees that are required in order to vend in the public space, an additional fee in an amount determined by the DDOT Director and that is at least equal to the amount that would be required to be paid to park in the parking space or spaces for the period for which the Vending Site Permit for the additional roadway Vending Location would be issued.
- (f) No additional roadway Vending Location shall be designated along the length of a Metrobus Stop Zone.
- (g) No additional roadway Vending Location shall be designated within forty feet (40 ft.) of the driveway entrance to a police or fire station or within twenty feet (20 ft.) of any other driveway.
- (h) No additional roadway Vending Location shall be designated within twenty feet (20 ft.) of an alley.
- (i) No additional roadway Vending Location shall be designated within forty feet (40 ft.) from any crosswalk.

PART 4: ASSIGNMENT OF VENDING LOCATIONS

528 ASSIGNMENT OF SIDEWALK VENDING LOCATIONS

528.1 Sidewalk Vending Locations shall be assigned to licensed sidewalk vendors through a random lottery.

- 528.2 Preferences in the lottery shall be given to vendors that are certified by the Department of Small and Local Business Development as Resident-Owned Businesses.
- 528.3 No vendor may participate in the lottery for Sidewalk Vending Locations unless the vendor holds a valid Vending Business License for sidewalk vending and is registered for the lottery.
- 528.4 No vendor may be assigned more than three (3) Vending Locations.
- 528.5 No more than one (1) vendor may occupy an assigned Vending Location.
- 528.6 No lottery registration or Vending Location assignment may be transferred.
- 528.7 The Director may contract out the function of performing the lotteries for sidewalk Vending Locations.

529 ASSIGNMENT OF ROADWAY VENDING LOCATIONS

- 529.1 Roadway Vending Locations shall be assigned to licensed roadway vendors through a random lottery.
- 529.2 The number of licensed roadway vendors registered for the lottery shall be limited to twice the number of authorized Roadway Vending Locations.
- 529.3 The Director shall register licensed roadway vendors for participation in the lottery by assigning each vendor a registration number.
- 529.4 If additional Roadway Vending Locations are authorized under § 527, preference in the lottery shall be given to registrants that are certified by the Department of Small and Local Business Development as Resident-Owned Businesses.
- 529.5 No vendor may participate in the lottery for Roadway Vending Locations unless the vendor holds a valid Vending Business License for roadway vending and is registered for the lottery.
- 529.6 No vendor may be assigned more than one (1) Roadway Vending Location, and only one (1) vendor may occupy an assigned Roadway Vending Location.
- 529.7 No lottery registration or Roadway Vending Location assignment may be transferred.
- 529.8 The Director may contract out the function of performing the lottery for Roadway Vending Locations.

PART 5: MISCELLANEOUS**530 PUBLIC MARKETS**

530.1 The DDOT Director may designate locations on public space where public markets may be located.

530.2 No person shall operate, or vend from, a public market unless the public market is located on:

530.3 (1) Public space designated by the DDOT Director;

530.4 (2) Private space.

530.5 No person shall manage a public market on public or private space without holding a valid Class C Vending Business License.

531 TEMPORARY RELOCATION OF VENDORS

The Director, DDOT Director, or MPD Chief may temporarily relocate a vendor from the vendor's Vending Location in construction areas, special events, and other situations where the Vending Location is unavailable or may create a threat to the public health, safety, or welfare.

SUBCHAPTER D: DESIGN STANDARDS, OPERATIONAL STANDARDS, AND INSPECTIONS**PART 1: DESIGN STANDARDS****532 DESIGN STANDARDS: GENERAL**

532.1 The Director may develop design standards for vending vehicles, vending stands, and vending carts in addition to those set forth in this chapter.

533 DESIGN STANDARDS: VENDING CARTS

533.1 No vending cart shall exceed the following dimensions:

- (a) Four feet six inches (4 ft. 6 in.) in width;
- (b) Seven feet (7 ft.) in length, unless the vendor vends food from the vending cart, in which case the cart shall not exceed eight feet (8 ft.) in length; or
- (c) Seven feet six inches (7 ft. 6 in.) in height.

533.2 (a) A vending cart may be covered by either:

(1) No more than one (1) umbrella, which shall not exceed nine feet (9 ft.) in diameter nor extend more than four and one half feet (4.5 ft.) in any direction from the body of the cart; or

(2) No more than one (1) canopy which shall nor extend more than six inches (6 in.) in any direction from the body of the cart.

(b) All umbrellas and canopies shall be made of water-resistant canvas with wood or metal frames.

(c) No umbrella or canopy shall contain any advertising other than advertising allowed under § 537.

(d) No part of an umbrella or canopy authorized under this subsection shall extend higher than eight feet (8 ft.) from the ground or lower than seven feet (7 ft.) from the ground.

533.3 No food or merchandise shall be hung or otherwise displayed from the sides or back of the vending cart.

533.4 No food, merchandise, or equipment hung or otherwise displayed on the front of the vending cart shall extend more than eight inches (8 in.) from the front of the vending cart nor extend past the sides of the vending cart.

533.5 All food, merchandise, and equipment, other than food or merchandise hung or displayed on the front of the vending cart, shall be contained within or beneath the body of the vending cart.

533.6 The cart shall be placed on one (1) or more wheels, which wheels shall not exceed two feet eight inches (2 ft. 8 in.) in diameter. All cart wheels shall be a wood or metal frame with rubber trim for tires. The cart may include legs in addition to the wheel or wheels.

533.7 The vending cart shall be equipped with a chock to be used to prevent the cart from rolling or moving.

534 DESIGN STANDARDS: VENDING VEHICLES

534.1 No vending vehicle, inclusive of any display or attachments allowed by this section, shall exceed the followings dimensions:

(a) Eighteen feet six inches (18 ft. 6 in.) in length;

(b) Eight feet (8 ft.) in width;

(c) Ten feet (10 ft.) in height, measured from bottom of the tire; and

- 534.2 (a) A vending vehicle may be covered by either:
- (1) No more than two (2) umbrellas, neither of which shall exceed six feet (6 ft.) in diameter or extend more than three feet (3 ft.) in any direction from the body of the cart:
 - (2) No more than one (1) umbrella, which shall not exceed nine feet (9 ft.) in diameter nor extend more than four and a half feet (4.5 ft.) in any direction from the body of the cart; or
 - (3) No more than one (1) canopy which shall not extend more than four and a half feet (4.5 ft.) in any direction from the body of the cart.
- (b) All umbrellas and canopies shall be made of water-resistant canvas with wood or metal frames.
- (c) No umbrella or canopy shall contain any advertising other than advertising allowed under § 537.
- (d) No part of an umbrella or canopy authorized under this subsection shall extend higher than eight feet (8 ft.) from the ground or lower than seven feet (7 ft.) from the ground.

534.3 No food, merchandise, or equipment shall be hung or otherwise displayed from the sides or back of the vending vehicle.

534.4 No food, merchandise, or equipment hung or otherwise displayed on the front of the vending vehicle shall extend more than eight inches (8 in.) from the front of the vending vehicle nor extend past the sides of the vending vehicle.

534.5 All food, merchandise, and equipment, other than food or merchandise hung or displayed on the front of the vending cart, shall be contained within the body of the vending vehicle.

534.6 All vending vehicles shall rest on inflated rubber tires.

535 DESIGN STANDARDS: VENDING STANDS

535.1 The design and operation of all vending stands shall conform with the following requirements:

- (a) The stand shall consist of a wood, plastic, or metal table with attached folding legs, a stair-stepped structure approved by the Director, or a shoe-shine stand structure approved by the Director. If the stand or structure is made of wood, the wood shall consist of weather-resistant lumber with two (2) coats of varnish or non-toxic paint;

- (b) The stand shall not exceed a maximum horizontal surface area of seven feet by four feet six inches (7 ft. x 4 ft. 6 in.);
- (c) The surface area of the table (or the highest surface area of the stair-stepped structure) shall be at a height of between one foot (1 ft.) and four and a half feet (4 ½ ft.).
- (d) The stand shall have a canopy that shall not exceed seven feet six inches by five feet (7 ft. 6 in. x 5 ft.) and shall be comprised of canvas on a covered frame mounted on the top of the cart platform. The uppermost point of the canopy shall not exceed more than eight feet (8 ft.) in height and the lowest point on the canopy, inclusive of any canopy flap, shall not be less than seven feet (7 ft.) in height. All canopies shall be made of water-resistant canvas with wood or metal frames. The canopy shall be clean and in good repair.
- (e) A skirt shall be attached to the table surface on all sides and shall extend from the table surface no more than one inch (1 in.) from the sidewalk pavement. The skirt shall be clean and in good repair.
- (f) No free standing racks or other free-standing forms of display shall be allowed.

536 DESIGN STANDARDS: FOOD VENDING CARTS AND VEHICLES

536.1 All vending vehicles and vending carts that vend food shall be inspected and approved by the DOH Director as being of a design which is approved by or is equivalent to a design approved by the National Sanitation Foundation. All equipment used in the vehicle or cart for the vending of food shall be inspected and approved by the DOH Director as being of commercial grade and in compliance with National Sanitation Foundation standards or the equivalent.

536.2 All vending vehicles and vending carts that vend food shall be designed and operated to include:

- (1) A fresh water tank with at least a thirty-eight (38) gallon capacity;
- (2) A waste water tank with a capacity fifteen percent (15%) or larger than the fresh water tank;
- (3) A three (3) compartment sink with hot and cold running water;
- (4) A separate hand washing sink with mixing faucet;
- (5) Walls, ceiling, and floors that are smooth and easily cleanable;

- (6) Natural or electrical lighting to provide a minimum of fifty (50) foot candles of light on work surfaces;
- (7) A generator powered refrigerator that will maintain stored foods at forty-one degrees Fahrenheit (41° F) or below and that has sufficient holding capacity for one (1) day of operation;
- (8) A generator-powered freezer that will hold foods at zero degrees Fahrenheit (0° F) or below and that has sufficient holding capacity for one (1) day of operation; and
- (9) Adequate ventilation.

537 DESIGN STANDARDS: ADVERTISING

- 537.1 No advertising, other than the name of the vending business and any food, merchandise, or service (including the price thereof) sold as part of the vending business, shall be placed on or adjacent to a vending vehicle, stand, or cart, including any canopy or umbrella.
- 537.2 Advertising of any food, merchandise, or service (including the price thereof) sold as part of the vending business may be placed only on the front side of a vending vehicle or vending cart or on the front side of a vending stand skirt and shall not be placed on an umbrella or canopy or on the back or side of any vending vehicle or vending cart or on the back or side of a vending stand skirt.
- 537.3 Advertising of the name of the vending business may be placed on the canopy flap, umbrella flap, vending stand skirt or along the front, side, or back of a vending vehicle or cart.
- 537.4 All advertising authorized under this section shall be mechanically printed and shall not be handwritten.

538 DESIGN STANDARDS: PHASE-IN PERIOD

- 538.1 Venders licensed prior to January 21, 2006, have an extended compliance period until November 21, 2009 for compliance with sections 533.2, 533.5, 534.2 and 534.5.

PART 2: OPERATIONAL STANDARDS

539 OPERATIONAL STANDARDS: GENERAL

- 539.1 Every vendor shall ascertain, and at all times comply with, all laws and regulations applicable to the operation of a vending business.
- 539.2 Every licensed vendor shall refrain from vending in public space after the expiration of the Vending Business License, Vending Site Permit, or any other

license, permit, or authorization required for the lawful operation of the vendor's vending business and during any period when the vendor's Vending Business License, Vending Site Permit or any other license, permit, or authorization required for the lawful operation of the vendor's vending business has been suspended or revoked.

539.3 All vendors shall at all times obey posted traffic and parking signs.

540 **OPERATIONAL STANDARDS: AUTHORIZED HOURS OF OPERATIONS**

540.1 Sidewalk and roadway vendors may operate only during the following hours:

- (a) Sunday through Thursday, from 5:00 a.m. to 10:00 p.m.;
- (b) Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, vendors operating in residential zones, as specified in the D.C. Zoning Regulations, shall not vend past 10:00 p.m. any night.

541 **OPERATIONAL STANDARDS: PLACEMENT OF VENDING VEHICLES, VENDING CARTS, AND VENDING STANDS**

541.1 No vendor shall vend in a location that is not a Vending Location assigned to the vendor.

541.2 A vendor shall place his or her vending stand or vending cart parallel to the curb, with the longest side of the vending stand or vending cart parallel to the curb and located two feet (2 ft.) from the curb face.

541.3 No vendor shall vend upon, or impede free access to, service and ventilation grates and covers nor in any location that would not be an authorized Vending Location under § 521.1 unless specifically authorized by the Director or DDOT Director.

542 **OPERATIONAL STANDARDS: PLACEMENT OF EQUIPMENT AND RELATED ITEMS**

542.1 All merchandise, food, equipment, and other items related to the operation of a vending vehicle, vending stand, or vending cart shall be kept either in or under (or, in the case of a vending stand, on) the vending vehicle, vending stand, or vending cart.

542.2 No merchandise, food, equipment, or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or placed upon any public space adjacent to the vending vehicle, vending stand, or vending cart.

542.3 No vendor shall place any vending equipment or related items upon, or in a place or manner impeding free access to, service and ventilation grates and covers.

542.4 No merchandise, food, equipment or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or otherwise kept on the public space beyond the hours of operation of the vending business.

542.5 No merchandise, food, equipment or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or otherwise kept on the public space unless the vendor is conducting vending business.

543 **OPERATIONAL STANDARDS: FOOD PREPARATION AND HANDLING**

543.1 All preparation, handling, transportation, and storage of food vended under this chapter shall be in compliance with:

- (a) An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code § 48-101 et seq.);
- (b) Title 25 of the District of Columbia Municipal Regulations;
- (c) Any other applicable laws or regulations related to the preparation, handling, transportation, or storage of food;
- (e) Requirements of, and conditions imposed by, the Health Inspection Certificate, including any plans or standards approved or imposed as part of the issuance of the Health Inspection Certificate; and
- (d) Any applicable standards established by the Department of Health.

543.2 No food vending equipment shall be used for purposes other than those authorized by the DOH Director.

543.3 No food may be vended from a vending vehicle, cart, or stand unless there is a person who holds a valid Food Protection Manager Certificate and a DOH-issued Certified Food Protection Manager Identification Card on site at the time of the preparation, handling, and sale of the food.

544 **OPERATIONAL STANDARDS: FIRE SAFETY**

544.1 All vending vehicles equipped with cooking appliances must have at least one (1) minimum 2A-10BC fire extinguisher mounted in the cooking area.

544.2 All vending vehicles operating with propane shall meet the following standards:

- (a) All propane compartments shall be secured and placarded;
- (b) No smoking signs shall be posted on the vehicle.

545 OPERATIONAL STANDARDS: USE OF AMPLIFICATION SYSTEMS

545.1 No vendor shall operate a loud speaker, or sound amplifier, or play a radio, drum, or other musical instruments as a means of advertising or attracting a crowd, nor cry or hawk any article or goods to attract a crowd in such a manner as to create a noise disturbance as that term is defined in 20 DCMR § 2799. Activities open to the public and provided for in 20 DCMR § 2805.2 are exempt from the limitations set forth in this section.

PART 3: INSPECTIONS

546 INSPECTIONS: FOOD PREPARATION AND HANDLING

546.1 The vendor's food preparation, handling, transportation, and storage operations shall be subject to inspection at any time to verify compliance with applicable provisions of the Food Code and any conditions imposed by the Health Inspection Certificate.

546.2 Each food vending business shall be inspected by the DOH Director at least once every six months. Failure of an inspection shall be cause for summary suspension of the vendor's Vending Business License and Vending Site Permit pursuant to §§ 507 and 512.

547 INSPECTIONS: DESIGN STANDARDS

547.1 The design of the vendor's vending vehicle, vending stand, or vending cart shall be subject to inspection at any time by the Director to verify compliance with applicable design standards imposed by this chapter or by the Director pursuant to this chapter.

547.2 Failure to comply with design standards for vending vehicles, vending stands, or vending carts shall be cause for denial, suspension, or revocation of a Vending Business License and the associated Vending Site Permit.

548 INSPECTIONS: FIRE SAFETY

548.1 All vending vehicles, vending carts, or vending stands with deep fryers, propane and any other electrical or cooking devices shall be inspected by the District of Columbia Fire and Emergency Medical Services Department every three (3) months, or on a schedule prescribed by the Fire Marshall.

548.2 If a vending vehicle, vending cart, or vending stand fails an inspection performed under this section, the inspector may summarily seize the Vending Business License and Vending Site Permit. The inspector shall promptly provide the seized Vending Business License and Vending Site Permit to the Director.

PART 4: OTHER STANDARDS OF OPERATION

549 MAINTENANCE STANDARDS

549.1 All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained in a safe, clean, and sanitary condition, and in good repair.

549.2 All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained so that the vending vehicle, cart, or stand remains at all times in compliance with the standards of this subchapter.

550 DISPLAY OF LICENSES, PERMITS, AND CERTIFICATES

550.1 A vendor shall conspicuously display on the vendor's vending vehicle, vending cart, or vending stand, a valid:

- (1) Vending Business License;
- (2) Vending Site Permit;
- (3) Health Inspection Certificate;
- (4) Food Protection Manager Certificate;
- (5) DCRA-issued vendor identification card;
- (6) DOH-issued Certified Food Protection Manager Identification Card; and
- (7) A propane permit, if the vendor uses propane in its operations.

550.2 The items enumerated in § 550.1 shall be considered to be properly displayed when they are firmly attached to the vending vehicle or stand and made clearly visible to the public.

550.3 A vendor or employee of a vendor shall surrender all applicable licenses, permits, and certificates for examination upon demand by any authorized representative of the District of Columbia government.

550.4 No person shall alter, mutilate, forge, or illegally display any license, permit, or other certificate of authority issued pursuant to this chapter.

550.5 If a Vending Business License, Vending Site Permit, or Health Inspection Certificate is displayed on a vending vehicle, vending cart, or vending stand other than the vending vehicle, vending stand, or vending cart for which the Vending Business License, Vending Site Permit, or Health Inspection Certificate was issued, the Director or MPD Chief may summarily impound or immobilize the

vending vehicle, vending stand, or vending cart on which the Vending Business License, Vending Site Permit, or Health Inspection Certificate is illegally displayed. The Director or MPD Chief shall release the impounded or immobilized vending vehicle, vending stand, or vending cart upon the payment of a fine in an amount established by the Director and MPD Chief and presentation of the vending vehicle, vending cart, or vending stand for which the Vending Business License, Vending Site Permit, or Health Inspection Certificate was issued.

551 MOTOR VEHICLE REGISTRATION AND INSPECTION OF VENDING VEHICLES AND CARTS

All vending vehicles and vending carts shall be registered and inspected by the Department of Motor Vehicles or by a motor vehicle department of another state or municipality with appropriate jurisdiction.

552 EMPLOYEES OF LICENSED VENDORS

552.1 A licensed vendor may hire an employee or independent contractor to work at the vendor's Vending Location, subject to the provisions of this section.

552.2 The employing vendor shall follow all applicable employment laws of the District of Columbia.

552.3 An employee or independent contractor of a vendor may operate the vendor's vending business without the vendor being present if the employee or independent contractor holds a valid Food Protection Manager Certificate and a DOH-issued Certified Food Protection Manager Identification Card.

552.4 No individual may act as an employee or independent contractor of a vendor unless the individual holds a valid Vendor Employee Identification Badge issued by the Director.

552.5 An individual shall apply for a Vendor Employee Identification Badge by submitting an application to the Director, on a form prescribed by the Director. The application shall include the following information:

- (a) The name, address, and telephone number of the individual;
- (b) The name and license number of the vendor for whom the individual will act as an employee or independent contractor;
- (c) The signature of the individual;
- (d) The notarized signature of the vendor;
- (e) The application fee, which shall be forty-five dollars (\$45.00); and

(f) Any additional information or documentation required by the Director.

552.6 The Vendor Employee Identification Badge shall include the name of the employee or independent contractor of the vendor, a badge number, the name of the vendor, and the Vending Business License number of the vendor.

552.7 An employee or independent contractor shall wear conspicuously his or her Vendor Employee Identification Badge when the employee or independent contractor is operating the vendor's vending business.

552.8 An employee or independent contractor of a vendor shall not represent any vendor other than the vendor whose name appears on the employee's or independent contractor's Vendor Employee Identification Badge.

552.9 No individual shall work at a vending business unless the person is the licensed vendor of the vending business or is an employee or independent contractor of the vendor holding a valid Vendor Employee Identification Badge.

552.10 A vendor may be held responsible for the actions of the vendor's employees and independent contractors, where such actions are related to the operation of the vending business, and the Vending Business License, Vending Site Permit, and Health Inspection Certificate of the vendor may be suspended or revoked based on those actions as if the actions were the actions of the vendor.

553 LITTERING

553.1 Vendors shall keep sidewalks, roadways, and other public space adjoining and adjacent to their assigned Vending Location clean and free from paper, peelings, and refuse of any kind.

553.2 All vendors shall affix to their stands or vehicles a container for litter that shall be maintained and emptied when full. Public trash receptacles shall not be used for compliance with this subsection.

554 DISPLAY OF SAMPLE ITEMS

554.1 No vendor shall display any object (including signage) used as an example of merchandise or food for sale or to advertise merchandise, services, or food for sale unless the object conforms precisely to the merchandise or food being sold at the Vending Location.

555 MOBILE ROADWAY VENDING

555.1 A roadway vending vehicle operating without a Vending Site Permit (a "Mobile Roadway Vending Vehicle") shall remain moving at all times until signaled by a customer to stop to make a sale.

- 555.2 No Mobile Roadway Vending Vehicle shall remain in any one (1) place for a period longer than necessary to make a sale after having been approached or stopped for that purpose.
- 555.3 When stopped to make a sale, a Mobile Roadway Vending Vehicle shall be properly parked in a legal parking place.
- 555.4 No mobile roadway vending business shall be transacted within one hundred feet (100 ft.) of a traffic circle
- 555.5 No mobile roadway vending business shall be located or transacted within forty feet (40 ft.) of any intersection or within any of the distances specified in this title, except that vehicles vending ice cream or other products likely to attract children as customers shall, when stopping to make a sale, park curbside as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

556 PURCHASE OR RECEIPT OF STOCK

- 556.1 No vendor may purchase or take delivery of stock from any public space. Violation of this provision shall subject a vendor to summary suspension of the vendor's Vending Business License and Vending Site Permit.
- 556.2 No person may distribute stock to any vendor from any public space. Violation of this provision shall subject a wholesaler or distributor to summary suspension of their business licenses.
- 556.3 Any vehicle and stock involved in distribution prohibited by this section may be seized by the Director or the Metropolitan Police Department. The vehicle or stock shall be released upon the payment of a fine, the amount of which shall be established by the Director.

557 BOOKKEEPING REQUIREMENTS

- 557.1 Each vendor shall keep sufficient records of daily sales and receipts of purchases and expenses, and shall make these records available for inspection to any duly authorized representative of the District of Columbia government.
- 557.2 A vendor shall carry for each day the records and the receipts of sales and purchases for the day.
- 557.3 Failure to comply with this section may result in immediate seizure, without prior notice, of the vendor's Vending Business License and Vending Site Permit.
- 557.4 A Vending Business License or Vending Site Permit seized pursuant to this section shall be returned by the Mayor if the vendor submits the records and the receipts required by this section.

558 REQUIREMENT TO UPDATE INFORMATION

If any information that a vendor provided to a District agency under this chapter changes after the time that the vendor provided the information, the vendor shall promptly, and in no event later than ten (10) business days after the change in information, provide updated information to the appropriate agency.

SUBCHAPTER E: VENDING DEVELOPMENT ZONES AND SPECIAL EVENTS**559 VENDING DEVELOPMENT ZONES**

559.1 Vending Development Zones (VDZ) shall be established to allow innovative vending practices designed to achieve the following objectives:

- (a) Provide opportunities for vendors to be more creative in both their products and their carts;
- (b) Expand vending opportunities for small and local businesses;
- (c) Improve the safety, appearance, and use of public space.

559.2 A VDZ shall provide flexibility from vending regulations governing:

- (a) Location of vendors in public space;
- (b) Method for assigning vending locations;
- (c) Design standards for vending vehicles, vending carts, roadway vending, and vending stands;
- (d) Hours of operation; and,
- (e) Length of time for which a vending site permit shall be issued.

559.3 A VDZ may be established by the Director of DCRA or the Director's designee upon the approval of an application submitted by a business association, community organization, or government agency.

559.4 The Director shall administer the process for reviewing applications in consultation with the following Coordinating Agencies:

- (a) Department of Small and Local Business Development;
- (b) Department of Health;
- (c) Department of Transportation; and,
- (d) Office of Planning.

559.5 Applications shall be reviewed as part of a two-phase process:

- (a) The applicant shall submit five (5) hard or one electronic copy of a pre-application to the Director who shall forward a copy to each Coordinating Agency. The pre-application shall include the following information:
 - i. Applicant's mission, bylaws, process for electing officers, and public meeting requirements or, in the case of a government agency, its mission and responsibilities;
 - ii. Purpose and intent of establishing a VDZ;
 - iii. Map delineating the proposed boundaries of the VDZ and all current, legal vending locations; and,
 - iv. Partner organizations collaborating on the application
- (b) Upon verification of the aforementioned items, the pre-application shall be approved. Within ninety (90) calendar days of notification from the Director of pre-application approval, the applicant shall, in consultation with the Coordinating Agencies, prepare and submit five (5) hard or one electronic copy of a VDZ application to the Director. The application shall demonstrate how the purpose and intent of the proposed VDZ will be realized and include the following:
 - i. Description of the proposed innovative vending strategy;
 - ii. A map showing proposed vending and market locations;
 - iii. Implementation plan that may include but is not limited to:
 - a. Financial assistance, equipment assistance, storage assistance, technical advice, or business planning support for existing and potential new vendors;
 - b. Marketing strategy for placemaking, coordinated design, or programming;
 - c. Partnership opportunities; and,
 - d. Diversity of products.
 - iv. A plan for coordinating with existing vendors in the VDZ; and
 - v. Any other information required by the Director.

559.6 VDZ applications shall be reviewed by the Director and coordinating agencies to identify any issues that the applicant shall resolve prior to further processing of the application.

- (a) The Director shall forward each VDZ application to the coordinating agencies for evaluation based upon:
 - i. Compliance with objectives defined in 500.1;
 - ii. Ability of the applicant to achieve the proposed innovative vending strategy.
- (b) Each coordinating agency shall have forty-five (45) days, to review the application and forward any issues to the Director.
- (c) The Director shall notify the applicant of any issues and the applicant shall work with the coordinating agencies to address all issues within thirty (30) days of receiving notification. The coordinating agencies shall notify the Director when all issues have been resolved.
- (d) The Director may deny an application if the applicant is unable to resolve any issues within thirty (30) days.

559.7 Within forty-five (45) days of receiving favorable reports from all coordinating agencies, DCRA shall hold a hearing to solicit public comments on the VDZ application. The Director shall provide public notice of the hearing and copies of the application at least fifteen (15) days before the hearing.

559.8 Within forty-five (45) days after the public hearing, the Director shall either approve or deny the VDZ application taking into account the findings from the public hearing.

559.9 The Director shall assist in the implementation of the VDZ Vending Strategy as necessary. Vending Business Licenses and Vending Site Permits shall be issued consistent with the approved VDZ application. Pursuant to the VDZ Vending Strategy, the Director shall manage the site delegation and distribution of vendor locations to vendor site applicants.

559.10 The Director may require the VDZ applicant or vendors in a VDZ to provide information or reports that are needed to assess long-term benefits or disadvantages of the innovative vending practices.

559.11 The Director is authorized to uphold the provisions of agreements between the VDZ applicant and VDZ vendors.

559.12 The Director has the authority to discontinue a VDZ for the following reasons:

- (a) The Vending Strategy fails to achieve the purpose and intent of the VDZ; or,
- (b) It is determined that continuing the designation is not in the best interest of the public.

560 SPECIAL EVENTS

560.1 Persons authorized to vend within the boundaries of a licensed special events area may vend without a Vending Business License or Vending Site Permit.

560.2 A vendor authorized to vend within the boundaries of a licensed special event area shall comply with applicable laws and regulations regarding the registration of vendor's business with the Office of Tax and Revenue and Department of Consumer and Regulatory Affairs and shall comply with any standards imposed by the Department of Health.

SUBCHAPTER F: NEWSPAPER VENDING AND STREET PHOTOGRAPHY

561 PUBLISHERS' BOXES

561.1 No person shall place, maintain, or operate a publisher's box on the public sidewalk or other public space unless such publisher's box is in compliance with the following specifications:

- (a) The publisher's box shall have a height of no less than 36 inches and no more than 52 inches, a width of no less than 15 inches and no more than 25 inches, and a depth of no less than 15 inches and no more than 21 inches.
- (b) The publisher's box shall be manufactured from 20-gauge zinc grip steel or thicker or a suitable plastic equivalent.
- (c) All hinge rods and springs on the publisher's box shall be made from steel. Door springs shall meet the tension requirements of the Americans with Disabilities Act.
- (d) Coin mechanisms, if any, shall be housed in the body of the publisher's box or in armored heads made from 12-gauge steel welded to the body of the publisher's box.
- (e) The publisher's box shall weigh no less than eighty (80) pounds, when empty of publications, or otherwise sufficiently weighted to be secure in all expected weather conditions.
- (f) The publisher's box shall be manufactured from materials that permit easy removal or repair of rust, graffiti, glue and other signs of outdoor abuse, exposure or wear-and-tear, including refurbishing of faded or stained colors.

- (g) The door of the publisher's box shall be constructed with a window opening to display the front page of the current edition clearly, and the window opening shall be covered by plastic manufactured from no less than .060" polycarbonate clear plastic material.
- (h) Door handles shall be a loop-style handle with a minimum one-inch clearance, designed to allow pedestrians to slip their hands easily in and out of the handle.
- (i) The publisher's box shall have one-inch diameter holes in the back of the publishers' box to allow for cables to be inserted for the secure installation of the publisher's box.

561.2 No sign, advertisement, or lettering of any character shall be placed on any publisher's box, other than the name of the publication, its price, a brief direction for the depositing of coins and operation of the publishers' box, the name and business address of the person in charge of the publisher's box, and directions informing the public how a refund may be secured for money deposited for which no publication was received.

561.3 No person shall place, maintain or operate a publisher's box on the public sidewalk or other public space unless such person:

- (a) Maintains such publisher's box in good working order at all times.
- (b) Repairs any malfunctioning, vandalized, or otherwise damaged publisher's box within seven (7) calendar days of the occurrence of any such damage.
- (c) Keeps such publisher's box clean and free of graffiti, broken parts, pasted bills, and debris of any description, including ruined or out-dated publications, including any publication with a cover date more than thirteen (13) days past.

561.4 No person shall place, maintain, or operate a publisher's box on the public sidewalk or other public space unless such box is in compliance with the following:

- (a) Each publisher's box must be sufficiently weighted at base to be secure in all expected weather conditions or secured to other publisher's boxes, or attached to a corral, or within a modular unit, provided such corral or modular unit has been approved by the Director of the District of Columbia Department of Transportation.
- (b) No publisher's box shall be attached to any utility pole, street light, traffic light, traffic or parking sign or device, trash receptacle, fire hydrant, directional sign, bicycle rack, bus shelter, street furniture, or other public street fixture except as provided in this section.

- (c) No publishers' box shall be placed or maintained within five (5) feet of the edge of a driveway or curb cut, a fire hydrant, a bus shelter, or within ten (10) feet of an entrance to a public transit facility.
- (d) No publishers' box shall be placed upon or within five (5) feet of a pedestrian access ramp for disabled persons, including the area between any two ramps on a given corner or within three (3) feet a marked pedestrian crosswalk.
- (e) No publishers' box shall be placed or maintained within five (5) feet ahead and 45 feet to the rear of any sign marking a designated bus or light rail stop. No publishers' box shall be placed within a designated bus or light rail stop zone.
- (f) No publishers' box shall be placed or maintained in any space so as to reduce the width of the pedestrian passageway on the sidewalk to less than ten (10) feet in the Central Business District or six (6) feet in other areas.
- (g) No publishers' box shall be placed in front of an entrance to a business, including the curb area directly across from such entrance where the distance between the business entrance and the publishers' box is less than ten (10) feet.
- (h) If no modular unit or corral exists at a location where a publishers' box will be placed, all publishers' boxes at that location must be kept a minimum of eighteen (18) inches from, and parallel to, the edge of the curb, with the publishers' box opening facing toward the sidewalk and away from the curb; provided, however, that the Director may permit a different distance from the curb or a different orientation, if consistent with public safety and pedestrian convenience.
- (i) No publishers' box shall be placed on the radius of the curve at the corner of any City block or other sidewalk/street intersection.
- (j) No publisher's box shall be placed in a tree box or unpaved surface.

561.5 When located at curb locations, and no modular unit or corral exists, publishers' boxes shall be secured in an approved manner as provided for in this section, and not more than seven (7) boxes shall be placed at or immediately contiguous to any one (1) of the street corners at street intersections, or at any other approved location.

561.6 No publishers' box shall be maintained in use when it is not in perfect working order. The person in charge of the box, as well as the owner, shall be subject to

the penalty provided for violation of the regulations for maintaining a publisher's box that is not in perfect working order.

- 561.7 A sign shall be placed on each publisher's box informing the public of the name and business address of the owner, and of the person in charge of the box.
- 561.8 The sign on each publishers' box that is proposed for and equipped for selling publications shall state that the person in charge will refund to any person money deposited by him or her for which no publication has been received. The person in charge of such a publisher's box shall refund all deposited money for which no publication has been received.
- 561.9 Publishers' box corrals may be placed and maintained on the public sidewalks by any authority designated by the Director of the District of Columbia Department of Transportation at locations acceptable to the Director.
 - (a) The Director shall approve any proposed location where, as determined by such designated authority, substantial pedestrian traffic, sidewalk congestion or the presence of a significant number of publishers' boxes within close proximity of one another suggests the need for certain limits on the number and placement of publishers' boxes.
 - (b) Subject to the limitations set forth elsewhere in this Section, the Director or any authority designated by the Director shall develop equitable criteria to allocate space within a publisher's box corral, where necessary, giving first priority to boxes displaying publications that are then currently displayed within thirty (30) feet of such corral location.
 - (c) Nothing in this subsection shall be interpreted to require that the City or any authority designated by the Director erect, maintain, repair or replace such corrals. The Director or the designee may negotiate with Publishers or third parties to pay for the costs of erecting, maintaining, repairing or replacing such corrals.
 - (d) Subject to the criteria established pursuant to subsection (b) above, the Director shall allow any person to place or maintain a publishers' box within a publishers' box corral, so long as such person maintains such box in conformity with all requirements of this Section and so long as no other reason or condition exists which would prohibit the placement of a publishers' box at that location.
 - (e) No person shall place or maintain any advertising on any publishers' box corral.
 - (f) No person shall place or maintain a publishers' box within a publishers' box corral unless the publishers' box is unobtrusively attached by cables,

chains or otherwise to the corral so as to ensure stability of the publishers' box.

- (g) No person shall place or maintain a publishers' box within thirty (30) feet of a publishers' box corral, unless such publishers' box is lawfully placed within such corral.

561.10 Where an existing modular unit is in place at a location approved by the Director of the District of Columbia Department of Transportation, no publishers' box shall be placed or maintained within thirty (30) feet of the modular unit.

561.11 At such existing Modular Unit locations approved by the Director of the District of Columbia Department of Transportation, the maintenance of the modular units trays, pedestals, and cabinet exteriors will be the responsibility of the designated authority. The individual publishers shall maintain the plexi-glass display windows, the door latches, and if applicable, the coin mechanisms.

561.12 Nonuse for a period of fourteen (14) calendar days of any publishers' box, such that the publishers' box is deemed a nuisance by the Department of Transportation, the Department of Public Works, or the Metropolitan Police Department shall be reason to remove the publishers' box from public space. Prior to removal, the applicable District agency shall provide seven (7) days notice directing the owner to remove the publishers' box or otherwise remediate the nuisance.

561.13 Any publisher's box presenting a clear and present danger to the public, such as, but not limited to, a publishers' box that is in the vehicular right-of-way may be removed summarily by officials from the Department of Transportation, the Department of Public Works, or the Metropolitan Police Department. Notice and, if appropriate, instructions for recovery of the box shall be given to the publisher following removal.

561.14 Any person violating or failing to comply with the provisions of this section shall, upon conviction, be punished as prescribed in D.C. Official Code § 47-2846 (1981).

562 **STREET PHOTOGRAPHY: REQUIREMENTS AND RESTRICTIONS**

562.1 Each vendor holding a Vending Business License for street photography (and each individual working as an employee or independent contractor of the vendor) shall deliver or cause to be delivered a finished photograph of the person purchasing the photograph either at the time of the purchase of the photograph or within a time period specified on a card handed to the person at the time of the taking of the photograph. The card shall contain the name of the vendor, the name of the employee or independent contractor (if any) taking the photograph, the vendor's Vending Business License Number, the employee's or independent

contractor's Vendor Employee Identification Badge number, the telephone number of the vendor, and the time period within which the photograph shall be delivered. If the photograph is not delivered within the time period specified on the card, the vendor shall refund the purchase price.

- 562.2 Each finished photograph shall be clear and sharp, and shall show no blur of focus or camera movement which affects the principal subject.

SUBCHAPTER G: SOLICITING

563 SOLICITING: GENERAL PROVISIONS

- 563.1 No person shall solicit any person from a street, sidewalk, or other public space, or in any way interfere with the free passage of any person along any street, sidewalk, or other public space, for the purpose of inducing that person to do any of the following:
- (a) Buy any merchandise, food, or service;
 - (b) Patronize any hotel, inn, or boarding house; or
 - (c) Patronize any place of entertainment or amusement.
- 563.2 No person shall solicit any other person within or on the grounds of any railroad or bus station or depot, or on public space in the District of Columbia, for the purpose of securing a passenger or passengers for transportation for hire, unless properly licensed and/or permitted to do so by the Mayor.
- 563.3 No person shall, on any public highway in the District of Columbia, solicit employment to guard, watch, wash, clean, repair, or paint, any automobile or other vehicle, except as provided in Title 18, DCMR.
- 563.4 No person shall remain in front of or enter any store or vending business where goods are sold at retail for the purpose of enticing away or in any manner interfering with any person or persons who may be in front of or who may have entered the store or vending business for the purpose of buying.
- 563.5 No person shall sell or offer to sell tickets from the sidewalks, streets, or public spaces anywhere in the District of Columbia for any excursion, theatrical performance, opera, sporting event, or any entertainment of any kind, except where said public space has been so designated for that purpose.

SUBCHAPTER H: MISCELLANEOUS PROVISIONS

564 VENDING DEPOTS

Vending depots servicing vending vehicles or carts with Class A Vending Business Licenses shall provide all of the following services to the vendor:

- (a) Storage of the vending vehicle or cart;
 - (b) Food preparation;
 - (c) Basic maintenance and cleaning; and
 - (d) Proper disposal of trash and food waste.
- 564.1 The operator of a vending depot shall maintain a ledger that includes current information on the name, license number, and address of each vendor and supplier doing business with the operator. This ledger shall be made available during regular business hours for inspection by any duly authorized agent of the District of Columbia government.
- 564.2 The operator of a vending depot may offer additional services to a vendor, such as the wholesale sale of food or beverages or towing services, but the operation shall not require that a vendor accept any additional services as part of the contract to provide the minimum services set forth in section 564.1.

565 PENALTIES

- 565.1 If a person violates any of the provisions of this chapter, he or she may be punished by a fine of not more than two thousand dollars (\$2,000.00), or by imprisonment for not more than ninety (90) days, for each such offense.
- 565.2 A fine imposed under this section shall be imposed pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective Oct. 5, 1985 (D.C. Law 6-42; D.C. Official Code 2-1801.01 et seq.).
- 565.3 Adjudication of any fine imposed under this section shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective Oct. 5, 1985 (D.C. Law 6-42; D.C. Official Code 2-1801.01 et seq.).
- 565.4 A fine imposed under this section may be imposed in addition to or in lieu of the revocation or suspension of a person's Vending Business License or Vending Site Permit.

566 SEVERABILITY

If any provision (section, sentence, clause, phrase, or word) of this chapter, or the application of any provision of this chapter, is held invalid in any circumstance(s), the validity of the remainder of the provisions of this chapter, and the application

of any provision in any other circumstance(s), shall not be affected; and to this end, the provisions of this chapter shall be severable.

567 NATIONALS PARK VENDING

567.1 The Nationals Ballpark Vending Site Plan designates the safe vending locations within the Capitol Riverfront Vending Development Zone (CRVDZ).

567.2 The Director of the Department of Consumer and Regulatory Affairs (DCRA) shall assign vending locations within the CRVDZ by lottery. Applicants may apply electronically, via designated computer kiosks, for each monthly lottery within the DCRA Business Licensing Center, Suite 1100, 941 North Capitol Street, N.E., which maintains information concerning qualifications and the application process. Winners shall be notified by phone, mail, and through a listing on the DCRA website.

567.3 Legally licensed vendors at Robert F. Kennedy Memorial Stadium shall receive a preference in the assignment of vending sites in the CRVDZ in the form of an additional entry in each lottery.

599 DEFINITIONS

When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Building line - the exterior face of a building.

Director – the Director of the Department of Consumer and Regulatory Affairs.

DDOT Director – the Director of the District Department of Transportation.

DOH Director- the Director of the District Department of Health

Fire Chief – the Chief of the Fire and Emergency Medical Services Department.

Fixture - any District Government-authorized furniture or equipment that is secured or permanently affixed to the public right-of-way or other public space.

Food – a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum as defined in the Food Code.

Food Code – Title 25 of the District of Columbia Municipal Regulations.

MPD Chief – the Chief of the Metropolitan Police Department.

OP Director – the Director of the Office of Planning.

Person – an individual or business entity.

Produce - any agricultural product raised on a farm or orchard.

Public market – a vending operation which takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise and services provided on site. This could include a farmers market, flea market, antique market, or other similar type of market.

Public space - all publicly owned property between property lines on a street, as such property lines are shown on the records of the District of Columbia, including any roadway, tree space, sidewalk, or parking area between property lines.

Publisher's Box - A machine or other enclosed box used for protecting newspapers or other printed material from the elements while offering or displaying the material for sale or free distribution and capable of operation by pedestrians without the assistance of an attendant.

Publisher's Box Corral - A three-sided post and rail structure designed to group publishers' boxes in stable clusters.

Receipts for purchases - includes copies of cash register receipts, sales receipts, sales invoices or purchase invoices; copies of cancelled checks, or other means of determining purchases acceptable in the discretion of the Office of Tax and Revenue.

Records of sales - includes cash register tapes, cash register receipts, written receipts, copies of sales checks, a record of individual sales or other means of determining sales acceptable in the discretion of the Office of Tax and Revenue .

Registered agent - any person who is a District of Columbia resident and is authorized by a vendor and agrees to accept service of process and legal notices on behalf of a vendor.

Roadway vendor - a vendor who operates a vending business while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular travel.

School day - the period from 9:00 a.m. to 3:00 p.m. on a regular instructional day during the school year of the District of Columbia Public Schools, as defined in 5 DCR 305.

Sidewalk vendor - a vendor who engages in business while occupying that portion of the street other than that reserved for vehicular travel.

Special event - an activity, such as presidential inauguration, shows and exhibits of any kind, conventions, parades, circuses, sporting events, fairs, and carnivals, held for a limited period at a

designated location on public space and authorized by the appropriate agency of the District government

Vending business - a business venue for the vending of food, service, or merchandise and operated by a vendor, as defined in this chapter.

Vending cart – a wheeled, non-motorized, self-contained apparatus designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk Vending Location, and from which food, merchandise, or services are intended to be vended.

Vending depot - any business that supplies vendors with merchandise or food items, or stores vending stands, carts, or vehicles for a fee.

Vending establishment: The actual structure that will constitute the means by which a vendor will offer goods or food for sale to the public; vending vehicles, vending stands, and vending carts.

Vending stand - a table or other similar, approved structure used by a vendor for the following purpose:

- (a) Displaying merchandise or food that is offered for sale; or
- (b) Offering a service in exchange for a fee.

Vending vehicle – a wheeled, self-contained vehicle used for the purpose of selling food, merchandise or services upon the area of a street generally reserved for vehicular traffic or vehicular parking. The term vending vehicle includes both trailers and self-propelled vehicles.

Vendor - any person engaged in selling goods and services for immediate delivery upon purchase, who operates exclusively from public space.

All persons desiring to comment on these proposed regulations should submit comments in writing to Paul Waters, Legislative Liaison, Department of Consumer and Regulatory Affairs, Suite 9400, 941 North Capitol Street, NE, Washington, D.C. 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.